

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

MERLIN HILL

PETITIONER

V.

CAUSE NO.: 1:10CV22-SA-DAS

STATE OF MISSISSIPPI, et al.

RESPONDENTS

FINAL JUDGMENT

On consideration of the file and records in this action, the Court finds that the Report and Recommendation of the United States Magistrate Judge dated September 10, 2010, was on that date duly served by first class mail upon the Petitioner, and the attorneys of record for the Respondents; that more than fourteen days have elapsed since service of said Report and Recommendation, and that no objection thereto has been filed or served by said parties. The Court is of the opinion that the Report and Recommendation should be approved and adopted as the opinion of the Court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated September 10, 2010, be, and it is hereby, approved and adopted as the opinion of the Court; and
2. Petitioner has not cited any “rare and exceptional” circumstance to warrant application of equitable tolling; thus, his petition is untimely. The petition is hereby dismissed with prejudice.

THIS, the 5th day of October, 2010.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE